IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 17TH OCTOBER 2006 / 25TH ASWINA 1928

Bail Appl..No. 5989 of 2006

CRIME NO.43/2006 OF THIRUVALLA EXCISE RANGE

PETITIONER/ACCUSED:

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1. SUNNY, S/O. KUNJUKUNJU,
   PUNNAKUNNAM MURI, KUTTIPUZHA VILLAGE,
   ATTUCHIRA COLONY, THIRUVALLA TALUK.

2. SWARNAPPAN, S/O. RAJU,
   PUNNAKUNNAM MURI, ATTUCHIRA COLONY,
   KUTTIPUZHA VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE & COMPLAINANTS:

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1. STATE OF KERALA REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. EXCISE INSPECTOR,
   THIRUVALLA EXCISE RANGE.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5989/2006

DATED THIS THE 17TH DAY OF OCTOBER, 2006

O R D E R

The petitioners are accused 1 and 2, in C.R.No.43/2006 of Thiruvalla Excise Range, for the offence punishable under Sections 8(1) & (2) and 55(a) of the Abkari Act, for they were found in possession of 80 litres of rectified spirit and three litres of illicit arrack. Hence this application.

2. The counsel for the petitioners submitted that the seizure took place from the railway puramboke land and the petitioners are innocent. However, the prosecution submitted relying on the seizure mahazar prepared on 23.8.2006 by the Inspector of Excise Range, Thiruvalla, that the petitioners ran away on seeing the excise party and the name and address of the persons were ascertained from the local persons, who were present at the time of the seizure. The prosecution further submitted that their name and address were given in

detail in the occurrence report itself.

3. After considering the submissions made by either side, I direct the petitioners to surrender before the Inspector of Excise Range, Thiruvalla, on 25.10.2006 between 9.30 a.m and 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below.

5. On production of the petitioners, the learned Magistrate shall hear both sides and pass appropriate orders on the bail application(s), that may be filed by both the petitioners.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs